The rejections presented in the Office Action dated June 18, 2009, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, each of the independent claims has been amended to include the limitations of claims 4 and 14. Further support for these changes may be found in the original specification, for example, at Fig. 4a and paragraphs [0007], [0016], and [0024]; therefore the changes do not introduce new matter. The pending claims are believed to be patentable over the asserted references for the reasons set forth below.

None of the asserted references has been shown to teach or suggest at least checking the state of a user interface component automatically in response to detecting a need to initiate the handover algorithm. As acknowledged in the Office Action, neither Koichi nor Kubosawa teaches checking the state of a user interface in response to a need to initiate handover or application of a handover algorithm on the basis of such triggered checking. In contrast, Koichi teaches that handoff processing is forbidden and released on the basis of detecting a signal of the charging stand installation. Koichi does not appear to teach or suggest checking for the signal or such checking being triggered by a need to activate a handover algorithm.

The reliance on GB 2289191 to Motorola (hereinafter "Motorola") also fails to overcome the deficiencies in the teachings of Koichi and Kubosawa. While the cited portion of Motorola teaches that a decision to handover may be made based on the quality of communications, there is no teaching or suggestion that the state of a user interface component is checked in response to a need to initiate a handover algorithm or that further prevention of the handover algorithm is arranged on the basis of such triggered checking. Since none of the asserted references teaches or suggest at least the claimed checking of the state of a user interface component automatically in response to detecting a need to initiate

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the handover algorithm, any combination thereof would also fail to correspond. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper.

Moreover, the asserted alignments of Koichi and Kubosawa fail to provide correspondence to the claimed limitations. For example, the "fixed" state of Koichi does not correspond to the claimed inactive state. Paragraphs [0009] and [0048] of Koichi indicate that the fixed state refers to a state where the portable telephone remains immobile in a single location. However, Koichi's portable telephone may be actively used by a user during such a fixed state. Thus, the fixed state of Koichi fails to correspond to the claimed inactive state, which requires that the user interface component is not being actively used. Also, as previously pointed out, step S9 of Kubosawa merely refers to waiting to determine whether a user enters an input via keypad to provide permission for handover. Kubosawa makes no mention of handover algorithm prevention or checking a user interface component to prevent application of a handover algorithm, particularly when the user interface component is in an inactive state. Without correspondence to each of the claimed limitations, the § 103(a) rejections are improper, and Applicant requests that each of the rejections be withdrawn.

Dependent Claims 2, 8, 10-12, 19, and 22-28 depend from independent Claims 1, 9, and 21, respectively, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Koichi and Kubosawa. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5

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USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 8, 10-12, 19, and 22-28 are also patentable over Koichi and Kubosawa.

In addition, Applicant further traverses each of the § 103(a) rejections because the asserted modification of Koichi would improperly change the principle of operation of the teachings of Koichi. If a proposed modification would change the principle operation of the prior art being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); MPEP § 2143.01(VI). Koichi teaches that handoff is prohibited, or such prohibition is released, based upon attachment or detachment of a portable telephone to a charging stand. Modifying Koichi to rely on user input to determine whether handover should be performed, instead of making an automatic determination based on objective criteria, as asserted, removes Koichi's automatic determination and would require a user to provide input every time handover is executed. This would be an increased burden on Koichi's user and would remove the safeguard of automatically avoiding unnecessary handover processing. The asserted modification of Koichi would change the principle operation of Koichi to require user input every time the mobile station executes handover. A skilled artisan would not make such a change, and the asserted modification fails to support the rejections. Applicant accordingly requests that the rejections be withdrawn.

New claims 29 and 30 have also been added. Support for these claims may be found in the specification, for example, at paragraph [0024]; therefore, the claims do not introduce new matter. These claims are also believed to be patentable over the asserted references for the reasons set forth above in connection with the independent claims.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.083PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the

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undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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Date: September 18, 2009   By: /Erin M. Nichols/

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